



MINUTES

REGULAR MEETING OF BOARD OF ZONING APPEALS

THURSDAY, DECEMBER 11, 2025 - 4:00 PM

Greenville City Hall, Council Chambers, 10th Floor

206 S. Main Street

Greenville, South Carolina 29601

Citizens may access the meeting at the following web address:

<https://www.greenvillesc.gov/meeting>

1. Call to Order

Chair Lauren Rounsville called the meeting to order at 4:02 p.m.

2. Welcome and Opening Remarks from the Chair

Chair Lauren Rounsville invited the other members to introduce themselves, provided normal beginning procedures for the meeting, explained the agenda, and outlined the rules for procedure.

3. Roll Call

Ross Zelenske moved on to roll call of board members in attendance.

Members Present:

Chair Lauren Rounsville, Vice Chair Mark Herro, Matthew Praytor, Tammy Johnson, Sam Davis, Al Horrigan, and Sean Scoopmire

Staff Present:

Mike Spinelli, Assistant City Attorney; Mary Douglas Hirsch, Planning Director; Kristopher Kurjiaka, Principal Development Planner; Ross Zelenske, Senior Development Planner; Ashana Taylor, Associate Development Planner; Anna Wilson, Associate Development Planner; and Deanna Ensley, Planning Assistant

4. Approval of Minutes

A. Approval of Minutes for meeting on November 13, 2025

Sam Davis moved to approve the minutes. Mark Herro seconded. The motion passed 7-0.

5. Call for Public Notice Affidavit from Applicants

Staff reported receiving all applicants' affidavits except for item S 25-1015, which the applicant has withdrawn from consideration.

6. Acceptance of Agenda

Matthew Praytor moved to approve the agenda. Mark Herro seconded. The motion passed 7-0.

7. Conflict of Interest Statement

Sean Scoopmire and Lauren Rounsville expressed conflicts with item S 25-917.

Lauren Rounsville and Sean Scoopmire exited at 4:08 p.m.

8. OLD BUSINESS

A. S 25-917

Application by McAdams (David Bergmark) on behalf of The Huntington National Bank (Nick Coventry) for a **SPECIAL EXCEPTION** to establish an accessory 'drive-thru' use as part of a 'General retail (up to 6,000 SF)' use in an MX-2, Mixed Use 2 district at **1601 LAURENS RD** (TM# 025700-08-00101)

Staff report presented by Ross Zelenske. Staff recommends approval.

Questions to Staff:

Mr. Herro asked if there was any public input received on the application.

Staff verified that there was one inquiry about transferability of the special exception and staff reached out to the East Lynne neighborhood for comment but received no questions or comments from the community. On the question of transferability, staff stated the transferability would be allowed under specific conditions.

Ms. Johnson asked if the after midnight proposal was for both the ATM use as well as the remote drive-thru.

Mr. Zelenske stated only the ATM use was proposed for after midnight.

Applicants Present Project:

David Bergmark, 10612 Longholme Way, Raleigh, NC

Mr. Bergmark thanked staff and stated he only wanted to highlight a few elements of their plan. He pointed out there were no adjacent residential uses, that the project was consistent with the Future Land Use Map, that the site would include a more activated street scape and was in character with other uses, such as the Chick-fil-A across the street which also has a drive thru. He stated there is not a current use for the building, so their proposal would be a public benefit by returning a building to more active use, and their design would be compliant with all use requirements. He stated they had left a section of the property as open space that could be used for future development and would allow for additional activation of Lindsey Avenue. Mr. Bergmark also stated they had designed the site in a way as to hide the drive-thru as much as possible to seclude the use while allowing the use of the service. Lastly, he stated he was able to provide specific responses to staff criteria as needed and had no objections to staff conditions of approval.

Questions to Applicant:

None

Public Comment:

None

Board/Commission Discussion:

Mr. Davis commented he was not a lover of drive-thrus, but pointed out the application does meet the required criteria for approval.

***MOTION:**

Sam Davis moved to approve item S 25-917 stating it meets the following standards:

- a. The Proposed Special Exception Is Consistent with the Comprehensive Plan.
- b. The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.
- c. The Proposed Special Exception is Appropriate for its Location and is Compatible with the Character of Surrounding Lands and the Uses Permitted in the Zoning Districts of Surrounding Lands, and Will Not Reduce Property Values of Surrounding Lands.
- d. The Design of the Proposed Special Exception Minimizes Adverse Effects, Including Visual Impacts of the Proposed Use on Adjacent Lands; Furthermore, the Proposed Special Exception Does Not Impose Significant Adverse Impact on Surrounding Lands Regarding Service Delivery, Parking and Loading, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.

The motion is made with the following conditions:

1. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.
2. The proposed building with drive-thru must meet all dimensional standards for the zoning district, including setbacks and build-to requirements of the MX-2 zoning district.
3. The drive-thru area shall install a frontage screen meeting the requirements of Section 19-4.8.3.
4. Devices for the transmission or voices used as part of the drive-thru operation must comply with Section 19-3.5.2.B.7.
5. The drive-thru design shall comply with the recommendations made by the Greenville Police Department:
 - o The drive-thru design should incorporate Crime Prevention Through Environmental Design principles.
 - o The design should minimize potential hiding spots that pose a security risk.
 - o The brick walls appear large enough they could partially conceal someone who may try to break into the ATM. Evaluate if there is a way to make these brick walls narrower.

Al Horrigan seconded the motion. Motion passed 5-0.

Sean Scoopmire and Lauren Rounsville returned at 4:31 p.m.

B. S 23-033M

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to modify a 'General Food or Beverage' and 'Bar' use operating after midnight in an MXS-D, Shopfront Downtown district at **20 N MAIN ST** (TM# 000100-05-00200)

Staff report presented by Ross Zelenske. Staff recommends approval.

Questions to Staff:

Mr. Herro asked about staff's comments on the interior sound amplification and redesign

of the building facade.

Mr. Zelenske confirmed comments regarding sound amplification were to mitigate existing equipment and that staff's main concern on the facade was after midnight, but that there were other concerns with crowding at the entrance. Mr. Zelenske gave Mr. Scoopmire asked if the facade changes had been approved by the DRB, which was confirmed, and about the feedback staff alluded to regarding businesses with similar facades.

Mr. Zelenske stated there were two specific cases referenced where there were issues with homelessness after businesses closed as well as other general cleanliness issues. He stated during the TAC meeting the applicant did not provide any clarity on how that would be handled. Additionally, there was no plan for how to handle loitering/lingering/queueing at the entrance and mitigate congregation issues.

Mr. Scoopmire asked about the option of a curtain to close the facade at night and for the status of the City's outdoor camping ordinance.

Mrs. Hirsch stated it technically would not meet code requirements, and that the ordinance had passed but wouldn't go into effect until Spring and certain conditions were addressed. When questioned on the applicability to this case, Mrs. Hirsch stated the ordinance only impacts public property, so it wouldn't be applicable in this case, but mentioned owners of private property can still put people on trespass for this issue, which would be the only way to enforce compliance and would be through police action. She also pointed out the DRB approved rendering does not include the table/chairs but was modified and approved prior to the City's night-life efforts went into effect.

Mr. Scoopmire pointed out comments on live entertainment and asked staff to clarify the distinction and rationale.

Mr. Zelenske cited issues with noise level, and low frequency bass, and stated the City was trying to get in front of the issue with DJs, where other types of entertainment don't have the same level of issues as DJs.

Mr. Herro and Ms. Johnson asked about the location of issues and if they were specific to noise or crowd control.

Mr. Zelenske stated the downtown area as a focus of the issues and stated it was mostly the noise.

Mr. Davis asked staff to expand on comments about third party ticketed events.

Staff explained third party ticketed events referred to outside promoters selling tickets on their own for events at a location and confirmed if Reys hosted the event, it would be considered in-house.

Board members discussed options on closing off the front area and how that would need to go through an approval with the Design Review Board.

Staff clarified the reason curtains would not be allowed is for rules requiring activation of main street and engaging the sidewalks in the downtown.

Ms. Johnson recommended staff modify the requirement about training through the Phoenix Center to read to be through the Department of Revenue instead to be consistent with state regulations and asked staff if bar crawls would be considered third party events.

Staff confirmed based on the description given, it sounded like it would be considered a third party event and would need to be reviewed and that regardless the business would need to have a City business license to operate. Staff also recommended amending condition 13 to address that scenario.

Ms. Johnson pointed out the "ticketed" terminology was not clear for how some of those events function and asked how city is verifying/auditing food/alcohol revenue.

Mr. Zelenske confirmed it was through the business licensing office that audits occur,

but for this case the level of sales wouldn't matter as the applicant is applying to be a "bar" use.

Ms. Johnson asked if it would make sense to strike the information provided by the applicant on levels if it wouldn't be taken into account moving forward which staff stated would be up to the applicant.

Ms. Johnson asked about the City smoking ordinance in relation to the proposed patio area.

Ms. Hirsch confirmed the patio area would be impacted by the ordinance and smoking would be prohibited at all times in the area.

Board members discussed striking the food and sales percentages.

Staff stated the percentages were requested on the application as it helped staff in determining the most appropriate use classification for new applicants and since Reys was applying to modify their use, having the information was applicable. She stated the City would not hold applicants to the exact breakdowns, but that it needed to be close at least. She also stated regarding the outdoor dining element that it would cause additional enforcement aspects and to allow it would go in the opposite direction of what the City has stated its concerns were.

Applicants Present Project:

Tim Kearns, 108 West Earle Street, Greenville, SC

Mr. Kearns stated they would strive to do more food but couldn't make any guarantees on breakdown of sales numbers. He asked if the condition regarding no persons under the age of 21 be struck or modified to allow for any of his staff or performers who are underage to not be impacted. He also asked for clarification on what incidents would count towards the limit of two incidents prior to having their special exception revoked. He stated they want DJs, not every night or weekend, just from time to time or for special events. He pointed out he has another business downtown where they are allowed a DJ and don't actually have them there and that he didn't want to be the only business downtown with these rules. Regarding bar crawls, he stated they were very picky about who they worked with and they don't work with companies that have issues. He claimed the third party events restriction doesn't apply to any other bars downtown and would be unfair to not be allowed and that the language was very unclear on how that would work in practice. On the facade, he stated there wouldn't be much they could do to keep people out from there if there is no gate and stated he was not opposed to coming up with a different design, maybe something like City Tavern, and it was not a make or break deal if the outside patio wasn't allowed. Overall, he stated he supported the TAC recommendations over those of staff.

Questions to Applicant:

Board asked about the sound system and where the DJ would be located which Mr. Kearns explained.

Mr. Johnson asked about occupancy levels and security for the different floors as well as the logistics of moving between the floors for security and access and suggested a second officer on the second floor when there is more than 50-75 people, especially weekends.

Mr. Kearns provided the occupancy for each level and average numbers and explained that there were only stairs, no elevators and clarified the residential access to the third floor was also only from the stairs. He explained it was a common area stair well and since there were doors at each floor, it had not been a problem for the Alcohol and Beverage Licensing office with the state.

Ms. Johnson pointed out that would be great for sound issues, but not for crowding and asked about their line management.

Mr. Kearns stated they really only hit capacity on big events/holidays and the queuing line goes down the sidewalk towards Trio Brick Oven Cafe or Scoundrel when they have one.

Ms. Johnson asked if minors were allowed in the business since it was classified as a restaurant use.

Mr. Kearns said they did not allow minors after security was on site and the only issue they had were with fake IDs, which Ms. Johnson recommended looking at getting an ID scanner to prevent issues with that.

Board members asked about the plan for the outdoor seating area after closure, the queuing around that area, and service planned for the area.

Mr. Kearns explained that the original plan was to have the tables fixed and chairs to either be chained or to be moved in at the end of the night. He stated during peak hours there were about 20-40 people waiting in line, but typically only about 10 on regular weekend nights. He confirmed they planned on providing cocktail service in the outdoor area with a potential of doing pastries and coffee service for the area in the mornings.

Ms. Johnson commented that there was a concern for people sneaking onto the patio without having their ID checked and that the logistics of serving to that area would need to be considered thoroughly to prevent underage serving. She stated the applicant's staff would need to walk around the area and monitor it regularly and stated it would be easier to do that with cocktail service versus counter service.

Mr. Kearns stated they were very strict about checking IDs and have discussed checking ID's a lot with their staff. When asked about the first point customers' IDs were checked, Mr. Kearns confirmed they are checked by the bartender most of the time when security is not present, but once security is at the door, they are the first point of checking IDs.

Public Comment:

None

Board/Commission Discussion:

Mr. Praytor asked if the language regarding age restriction could be changed to say patrons so it would not negatively impact employees or performers.

Mr. Zelenske stated it was not the intent to penalize employees, so staff was amenable to modify the condition.

Ms. Rounsville stated she felt it was a safety concern to have the outdoor area.

Mr. Scoopmire pointed out that there are other types of businesses, such as banks that can have this same vestibule set up and questioned how it would relate to the use.

Mr. Davis commented the design would fall under the purview of the Design Review Board and commented that he couldn't image it was passed without the previously stated concerns being considered. He also pointed out there were already remedies for the concerns and he was inclined to leave it as is.

Ms. Johnson stated it would be a bit of a stretch to entirely disallow the area, but stated there should be consideration for how its managed. She pointed out it would make the sidewalk feel less crowded and that she would prefer the vestibule over standard sidewalk seating. When asked if the business had a current sidewalk variance, staff stated they did not have one currently and had not applied for one.

Ms. Johnson stated that for after hours, it did not appear to be a huge concern as long as there were no outdoor power outlets, and plenty of lights. While the business is open though, it would be too easy for people to be inconspicuous and sneak into the area, so she recommended closing the patio for service after 10pm. She stated for her, it was

denying the drinking, not denying the overall use. When asked if a person checking IDs outside would change her mind, Ms. Johnson stated it would be difficult to manage and there wouldn't realistically be enough staff to manage it well. She also pointed out other issues related to cleanliness around the area as well.

Board members questioned the reason they were reviewing the outdoor portion if the Design Review Board had already approved it.

Staff explained that the Design Review Board had approved the project prior to the City's current downtown initiatives and that the current special exception explicitly prohibits outdoor dining use and would need to be modified to allow for the use at all.

Mr. Herro, Ms. Rounsville, and Ms. Johnson discussed the option to allow the outdoor seating area, but not allow alcohol past 10pm, though allow for people to sit out on the patio after that time as the main issue at hand was mixing the entry waiting line and alcohol in the same space.

Mr. Praytor, Mr. Scoopmire, and Ms. Johnson discussed a roller door, how it would require re-review by the Design Review Board at minimum and may not be allowed at all and recommended strong lighting and pulling in the furniture every night to mitigate issues with the homeless.

Mr. Herro stated since they had previously allowed DJs at another location the previous month, specifically stated they would not be bringing in sub-woofers, and don't currently have a sound system that augments base, he couldn't see it as an issue in this case. He pointed out there is a noise ordinance in effect and repeated violations area already grounds for revocation so there is already a system in place to address the concerns.

Ms. Rounsville pointed out there would not be room enough for a dance floor either.

Mr. Davis commented it was difficult to decide where to draw the line and commented on potentially restricting additional speakers and only allowing the use of existing speakers.

Ms. Johnson pointed out that bands can actually be much louder than DJs as you can't control the sound on a drum kit and that every noise complaint she has had has been from a band, not a DJ. She stated she understood how DJs can get the crowd excited and can lead to acts of aggression, but also mentioned DJs and bands would not plug into an in-house sound system as you can't just plug into a speaker and play, you have to be able to regulate your sound so you don't blow the speakers. She commented they could require a decibel reader on site and for the business to monitor it like they require monitoring IDs.

Mr. Scoopmire pointed out there were really two issues with DJs: noise, which was quantifiable and already had an ordinance in effect for, and secondary effects, which was more what the City was trying to protect against. He commented on a resource study he'd seen that discussed the concern and stated without a dance floor in this location, you would not have a huge crowd that would have the same level of negative impacts. He stated he didn't see as much of a risk for the use itself in this case.

Ms. Johnson asked about the possibility of adding a restriction that no weapons be allowed and if DJs are present and that security must frisk patrons upon entry. She stated if not, they could require an additional security officer when DJs performed to be stationed near the DJ to keep an eye on the crowd.

Mr. Spinelli answered they would need to look into whether the City could legally pursue that as an option.

Mr. Scoopmire pointed out it appeared there was some consensus about the DRC recommendations.

Ms. Johnson and Ms. Rounsville discussed security numbers, suggesting dropping down to one officer on Thursdays was not advisable if the upstairs portion was active

and suggested adding security on nights when there were events or the business was above normal capacity. They also discussed requiring security officers to be uniformed and clearly identified on front/back as security. Ms. Johnson also stated concerns with bar crawls and potentially needing extra security for those situations.

Mr. Davis asked in the case the business had two or more incidents and their permit was revoked if they could appeal the decision to the Board.

Mr. Zelenske confirmed they could appeal the decision and clarified incidents referred more to 911 calls for situations such as fights and the incidents in question are usually referred to the Planning office by the police directly. He also pointed out that the language for incidents is standard across other permits and is not specific to this case. Ms. Johnson recommended the 3rd floor apartment not be available to use as events space where residents could take alcohol from the bar up to the apartment, that in-house ticketed events be prohibited from having open bars, and to require cash bars only in cases of events. Ms. Johnson clarified that open bars are common in private events, but where events are more public and/or ticketed they encouraged extra consumption of participants and if they are forced to pull out their wallet every time, it's a little more controlled.

Mr. Kearns asked about the security discussion and pointed out SLED had specific requirements for uniforms of security and stated four security officers on certain nights based on previously discussed requirements would be difficult to handle and staff.

Ms. Johnson pointed out with the layout of the building have two completely separate areas on different floors, lowered security would have slower response times, and it would be more difficult to kick people out from the upstairs area which would be a two-person job if it was needed. She stated she felt the condition should stand and that it would be up to the applicant to determine if they wanted to invoke that privilege.

Mr. Kearns pointed out they would have a manager on both floors who wouldn't be doing anything but managing but asked that no security be required.

Ms. Johnson suggested since it was still new, they could adjust their concept over time based on how the upstairs functions over time.

Board members weighed the option to have the recommendations re-written based on the discussion and have it re-presented at the January meeting which staff explained due to the time sensitivity and being currently non-compliant it was inadvisable but stated staff would defer to the boards discretion and if the applicant was amenable but determined to continue working through a motion.

Mr. Scoopmire clarified the following were the points of change to conditions for an approval from his understanding of the discussion:

- add (1) additional security person when a DJ is present
- add (1) additional security person when the upstairs has more than 50 patrons after 10p.m. on Thursday-Saturday
- change the term persons to patrons in the condition of age restriction
- remove the condition prohibiting DJs
- change the condition to allow the outdoor patio, but that it must close by 10:00 p.m. and must be properly managed
- add a condition that the third floor cannot be used as a private event space
- add a condition that in-house ticketed events cannot have open bars

Ms. Johnson clarified adding the following:

- amend the condition that security uniforms must clearly identify them as security

- add a condition that alcohol cannot be taken out to the outdoor patio after 10 p.m.
- clarify that bar crawls are included in the restriction against 3rd party ticketed events

Mr. Scoopmire pointed out the prohibition against ticketed events was not in the TAC recommendations.

***MOTION:**

Sean Scoopmire moved to approve item S 23-033M stating it meets the following standards:

- a. The Proposed Special Exception Is Consistent with the Comprehensive Plan.**
- b. The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.**
- c. The Proposed Special Exception is Appropriate for its Location and is Compatible with the Character of Surrounding Lands and the Uses Permitted in the Zoning Districts of Surrounding Lands, and Will Not Reduce Property Values of Surrounding Lands.**
- d. The Design of the Proposed Special Exception Minimizes Adverse Effects, Including Visual Impacts of the Proposed Use on Adjacent Lands; Furthermore, the Proposed Special Exception Does Not Impose Significant Adverse Impact on Surrounding Lands Regarding Service Delivery, Parking and Loading, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.**

The motion is made with the following conditions:

- 1. Operation of the facility shall be limited to a 'bar or nightclub' use, as defined by this Code, and shall substantially conform to the statements of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the special exception permit.**
- 2. The business shall comply with the location standards established by the state. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the Department of Revenue.**
- 3. Hours of operation shall be substantially consistent with those stated by the Applicant and not to exceed past 2:00 a.m. Food service shall be available until last call.**
- 4. Per Greenville Development Code Section 19-3.2.1.B.3., delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.**
- 5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and must be enforced by the proprietors.**
- 6. At all times during its occupancy, the Applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and**

Regulations.

- 7. The Applicant shall take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, prohibitions on smoking in violation of the City's smoking ordinance, and adequate patron parking.**
- 8. The Applicant and all its managers and employees responsible to serve any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the South Carolina Department of Revenue or comparable program offered by other vendors approved by the City Police Department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.**
- 9. No patron under the age of 21 shall be allowed on the premises after 10:00 p.m.**
- 10. The Applicant shall retain a minimum of one (1) security person, which shall be positioned outside the business, on Thursdays from the hours of 10:00 p.m. and 2:15 a.m. and a minimum of two (2) security persons, of which at least one shall be positioned outside the business, on Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons may occupy the premises. When the upstairs portion of the business exceeds 50 persons on Thursdays, Fridays, or Saturdays, one (1) additional security person shall be retained and positioned on that floor. Additionally, any time disc jockey performance occurs on site, one (1) additional security person shall be retained for that event. All security person(s) must wear uniform(s) that clearly identify them security persons. The security person(s) must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the required security person positions to be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.**
- 11. The Applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons and confirmation of compliance with allowable occupant capacity. Additionally, the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.**
- 12. The establishment shall be prohibited from hosting third-party ticketed events involving live music and similar types of entertainment. Examples of prohibited third-party ticketed events include, but are not limited to,**

comedians and musicians. Bar crawls are also prohibited. In-house ticketed events shall be limited to up to four times a year. In-house events cannot allow for an open bar.

13. Exterior doors and windows shall remain closed except to provide ingress and egress after 10:00 p.m.
14. Interior sound amplification must be located only as reflected on the approved floor plan and must be directed away from the principal entrance or directed toward the interior of the building. Sound baffling or other mitigation measures shall be taken to reduce noise and bass impacts to neighboring properties.
15. Outdoor entertainment and exterior sound amplification shall be prohibited.
16. Outdoor dining and seating areas associated with the business must be closed by 10:00 p.m. and the Applicant must take appropriate measures to manage any outdoor dining areas during and after business hours to ensure there are no issues with crowding, off-premises consumption of alcoholic beverages, loitering, and transients. No alcohol shall be taken to the outdoor seating area after 10:00 p.m.
17. Operation and maintenance of the facility, regardless of the hours permitted to be open to the public, shall comply with the Noise Ordinance, Chapter 16, Article II, Division 3 of the City Code. A pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise violations may be grounds for revocation of the permit.
18. If outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
19. The third floor of the building shall not be used as a private event space.
20. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
21. The use shall comply with the Technical Advisory Committee findings and recommendations.

Mark Herro seconded the motion.

Mr. Davis commented on the condition of bar crawls, stating that he agrees they are under regulated but stated he didn't know if a Board condition on them would be an appropriate way to handle it. He asked the rest of the Board to allow for bar crawls in this instance and for staff to create regulation that is City-wide to address the issue instead. He stated his understanding was that bar crawls would be considered a third party ticketed event and be disallowed per the current language of the zoning ordinance.

Mr. Scoopmire asked staff to confirm the interpretation on if bar crawls would be considered 3rd party ticketed events.

Mrs. Hirsch confirmed they would be considered third party events as they are managed and advertised by a separate party, not directly by the bars themselves.

Mr. Davis stated he asked staff to allow them with this application, and for staff to deal

with that in a more holistic way.

Sam Davis made a motion to modify the previous motion to specifically allow for bar crawls in the special exception.

12. The establishment shall be prohibited from hosting third-party ticketed events involving live music and similar types of entertainment. Examples of prohibited third-party ticketed events include, but are not limited to, comedians and musicians. Bar crawls are permitted. In-house ticketed events shall be limited to up to four times a year. In-house events cannot allow for an open bar.

Al Horrigan seconded the motion.

Motion to amend the previous motion passed 7-0.

Motion to approve the special exception with conditions(as modified) passed 7-0.

9. NEW BUSINESS

- A. ***S 25-1005 Applicant requests deferral to the January 8, 2026 meeting***
Application by Pharos Land Design (Duane Ensor, P.E.) on behalf of Michnoff, LLC (Robert Blumenthal) for a **SPECIAL EXCEPTION** to establish an accessory 'drive-thru' use as part of a 'General food and beverage (up to 6,000 SF)' use in an MX-3, Mixed Use 3 district at **298 S PLEASANTBURG DR** (TM# 026600-01-01106)

Staff informed the Board that the applicant requests to defer item S 25-1005 until the January 8, 2026 meeting.

***MOTION:**

Mark Herro moved to approve the deferral. Matthew Praytor seconded the motion. Motion passed 7-0.

- B. ***S 25-1015 Application to be deferred to the January 8, 2026 meeting (public notice incomplete)***
Application by Summer Lee dba The Flying Biscuit Café for a **SPECIAL EXCEPTION** to operate a 'General Food or Beverage (up to 6,000 SF)' use after midnight in an MXS-D, Shopfront Downtown district at **656 S MAIN ST STE 100** (TM# 007000-03-01800)

Staff informed the Board that the applicant did not complete their required public notice, and that the Applicant later told staff they were withdrawing their application altogether, therefore a vote was not needed.

10. OTHER BUSINESS

- A. Staff Updates

Staff provided updates on the Haynie-Sirrinc rezoning being approved; entertainment district overlay approved and go into effect

Staff reminded the board of training requirements.

Mr. Scoopmire asked more about the nightlife safety initiative.

Mrs. Hirsch indicated she could look at doing a presentation for the Board.
Mr. Zelenske discussed the nightlife safety initiative webpage posted. He stated he can send to the board.

11. Adjournment

Meeting adjourned at 6:46 p.m.